

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
April 28, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, April 28, 2008.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Bobby Rosenthal  
Councilman Stan McCormick  
Councilwoman Jill Souter  
Councilman Bill Kiel  
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman  
City Attorney Mike Brenan  
Assistant to City Manager/Information Technology Manager Marian Ramirez  
City Treasurer/Tax Assessor and Collector Cynthia Barr  
Human Resource Manager/Deputy City Secretary Judith E. Surratt  
Public Works Director Shawn P. Eddy  
Police Chief Rick Pruitt  
Interim Fire Chief/EMS Administrator Bill Woodward  
Temporary Assistant Leticia M. Callanen

Absent was:

City Secretary Denise M. Silva

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Mayor Louis Cooper called the meeting to order at 5:40 p.m.

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At the request of Councilman Bobby Rosenthal, a moment of silence was held in memory of Dr. Harold N. Cooper, father of Mayor Louis Cooper.

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Mayor Louis Cooper asked City Council for any corrections to the minutes of the April 14, 2008, City Council Meeting. A motion was made by Councilman Bobby Rosenthal to approve the minutes of April 14, 2008 as amended. Motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

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## City Manager's Report

City Manager Rebecca Waldman reported on the following items of interest:

- Bexar County Election and voting information was provided for the upcoming May 10, 2008 Joint General & Special Election in which Alamo Heights residents can vote on four propositions under the Bexar County Venue Project Election; Alamo Community College District Trustee Election for districts 3, 8, and 9; and Alamo Heights Independent School District Board of Trustee Election for places 3 and 4. Early Voting takes place April 28th through May 6th with voting locations nearest to Alamo Heights being Lions Field Community Center, Olmos Basin Golf Club House and the Tobin Library (Oakwell). The May 10th Election Day voting location will be Cambridge Elementary from 7:00 a.m. to 7:00 p.m.
- The City of Alamo Heights is receiving \$30,862.00 from the TML Risk Pool equity return program as a result of the City's reduced costs associated with job related injuries and vehicle accidents due to proper training and education of employees and through the purchase of proper safety equipment and supplies.
- The City of Alamo Heights received the Government Finance Officers Association's (GFOA) Certificate of Achievement for the 2007 Comprehensive Annual Financial Report (CAFR). This is the 12th consecutive year that the City has received this award.
- Ms. Waldman addressed questions raised at a previous City Council Meeting regarding the posted time and length of discussion occurring at the November 27, 2006 meeting related to the 521 Lamont Avenue case. The original notification posted a start time of 5:30 p.m. for the item and the project presentation began at approximately 5:27 p.m. The presentation was completed at 5:41 p.m. at which time Council began discussions. Citizen comments began at approximately 5:45 p.m. and discussion continued past 6:13 p.m. Through staff research and review of the available audio recordings of the meeting, and conferring with the City Attorney, it has been determined that this item was sufficiently noticed for citizen input.
- Ms. Waldman informed City Council that Agenda Item 7 had been pulled from consideration. The applicant will resubmit a request next Spring to allow adequate time to coordinate with participating farmers.

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Citizens To Be Heard Concerning Non-Agenda Items - There were none.

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## Staff Reports

*Item #3* Fire/EMS Department's participation in "Fill the Boot" campaign for Muscular Dystrophy Association

Interim Fire Chief William Woodward provided information on the upcoming fundraising campaign to begin in May. He stated that the collected proceeds would be presented by Fire/EMS Department personnel during the local broadcast of the Annual MDA Jerry Lewis Labor Day Telethon.

In response to a question from Councilwoman Harwell regarding the anticipated collection points, Interim Chief Woodward stated that the intersections had not yet been determined.

*Item #4*      Presentation of Facility Assessments of City Hall and Fire Station

Mr. Shawn P. Eddy, Public Works Director, presented the results of a facility assessment of the City Hall/Police Station and Fire Station conducted at the request of the City Council to assess the current physical and environmental condition of the City facilities and to identify space requirements. A copy of this presentation is made part of the papers of this meeting.

Mr. Eddy's comments focused on the work done by Freese and Nichols, Inc. to conduct the physical assessment of the facilities and STC Environmental Services, Inc. for the environmental assessment. He further relayed the primary findings that were presented to the Infrastructure and Services Committee on April 22, 2008, which related to the renovation history of the buildings and deficiencies found in HVAC, electrical and other structural issues preventing upward construction or renovations. Mr. Eddy stated that the environmental assessment concluded there were no specified levels of mold/fungi that are considered harmful found in collected air samples from both facilities and that no further environmental investigative actions are recommended nor considered warranted. In addition, there were three (3) minor items identified by the environmental assessment which are currently being addressed.

Mr. Eddy provided two preliminary options for renovation and expansion of the City Hall complex that have been recommended by Freese and Nichols, Inc., but noted that there would need to be more public discussion before any design options or site plans would be fully developed.

In response to questions by Councilwoman Jill Souter, Mr. Eddy stated that the future plans for the water towers were taken into account by the consultants when conducting their study. In reply to a question from Councilman Rosenthal, Mr. Eddy stated that there was little additional space that could be used for parking provided by the removal of the vehicle storage yard.

City Council discussion took place regarding potential plans that would require rezoning of current City owned properties, and the space requirements to house the recently purchased fire truck which is scheduled to arrive in August or September.

Mayor Cooper commented that the City has long been aware of the issues associated with the aging infrastructure and stated his support of addressing the facility needs for the Fire, Police and Administrative staff, initially by pursuing the recommendation to construct a temporary structure to house the new fire truck.

Further Council discussion ensued related to financing options for the improvements, the competitive request for qualifications (RFQ) process to be used to hire an architect, and design considerations for inclusion in the RFQ.

Mr. Bill Petrelli, Jr. AIA, Freese and Nichols, Inc., responded to a question by Councilwoman Souter with regard to the current electrical system wiring, and stated that it was their recommendation to construct new buildings rather than renovate the existing buildings because of the potential to exacerbate current electrical problems. Mr. Petrelli also discussed the need to create additional parking areas.

Discussion took place regarding the estimated costs associated with constructing a temporary structure. Councilmembers suggested that staff proceed with plans for constructing a temporary structure. Mr. Eddy stated that staff would present a more detailed proposal for the expansion of the City Hall complex at a future Council meeting.

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Consent Items - There were none.

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Items for Individual Consideration.

*Item #5* Mayor Cooper read the following caption.

#### **ORDINANCE NO. 1766**

#### **AWARDING A CONTRACT TO MISSION WRECKER SERVICE S.A., INC. FOR VEHICLE TOWING AND STORAGE SERVICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT.**

Police Chief Rick Pruitt provided a PowerPoint presentation outlining the request for proposal (RFP) process used to solicit interested companies to compete for the contract to provide the City of Alamo Heights vehicle towing and storage services. Two companies submitted responses and, based on the evaluation criteria used for the RFP review process, Mission Wrecker Service S.A., Inc. was recommended for City Council consideration with an overall score of 68.4 points. Police Chief Pruitt further outlined the key business points of the proposed contract. A copy of this presentation is made part of the papers of this meeting.

At this time, Mayor Cooper recognized those who wished to speak on this item.

Mr. Joe Guerrero, 100 Herweck Drive, San Antonio, represented Danny's Road Service and provided City Council with a copy of an amended proposal for the Council to consider before awarding the contract to Mission Wrecker Service. Mr. Guerrero discussed his company's experience with other municipalities and the new incentives that were being offered to their client cities.

Council discussion ensued related to the current economic impact realized through the closure of the City's impound lot and loss of revenue from the auction of abandoned

vehicles. Further discussion took place regarding the termination clause included in the proposed contract that stipulates that the contract can be terminated by the City without cause upon a ninety (90) day written notification.

In response to questions regarding Mission's experience, Chief Pruitt informed City Council that their longstanding contract with the City of Balcones Heights was ended after a new Police Chief arrived and subsequently changed towing services to a different service provider. Chief Pruitt also discussed statistics related to the number of tows occurring in the City of Alamo Heights over an 18 month period, which accounted for over 500 tows, with 8 of those for Alamo Heights residents. He also discussed the resident notification process that would be used in the event that the towing services were rendered.

Lengthy discussion took place relating to the solicitation process and rating system used to review the proposals in order to determine the winning proposal, specifically regarding the ratings for towing services (25 point maximum), vehicle storage (20 points maximum), facility security and safety (10 points maximum); and the 25 point difference between the rating for both companies. Danny's Road Service acquired a total score of 43.7 and Mission Wrecker Service acquired a total score of 68.4.

Mayor Cooper offered his opinion that, based on the Police Chief's report and discussion, a thorough review and a sound process were used to provide the recommendation that was before City Council for their consideration.

In response to Councilwoman Souter, the Chief Pruitt confirmed that the City would not receive proceeds from auctions. He also explained that the towing contract was not exclusive when it concerned vehicle accidents, but Mission would be used exclusively by the City for impoundment of prisoner vehicles and City vehicles. Further clarification was provided on the review process by the staff panel and Infrastructure and Services Committee, and additional discussion was held related to revenue projections.

After further Council discussion, Councilwoman Susan Harwell made a motion to accept staff's recommendation and award a contract to Mission Wrecker Service S.A., Inc. for vehicle towing and storage service and authorizing the City Manager to execute said contract as presented. Councilman McCormick seconded the motion, and motion passed by unanimous vote.

*Item #6* Mayor Cooper read the following caption.

Consideration of a house design at 415 Kokomo Street, vested under the Demolition Delay Ordinance No. 1597 (August 8, 2005), and side yard setbacks per the current Zoning Code as requested by Hernando and Holly Ortega, owners, represented by Peter DeWitt, architect, in order to receive a building permit to construct a two-story house with a front porch and an attached one-story rear garage accessed from the alley.

Mr. Shawn P. Eddy, Public Works Director, made a PowerPoint presentation outlining the background of the current project. A copy of this presentation is made part of the papers of this meeting. Mr. Eddy noted that originally a demolition request for 415-417

Kokomo Street, submitted by Mr. Stuart Thomajan, the previous owner, was considered by the City Council on November 14, 2005, without indicating a replacement structure. A ninety (90) day demolition delay was ordered by the City Council under the provisions of Demolition Delay Ordinance No. 1597. On February 13, 2006, the City Council voted to implement a second demolition delay for an additional ninety (90) days. In August 2006, a demolition permit was issued to Mr. Thomajan and the home was demolished.

Mr. Eddy further explained that the new owners of 415 Kokomo Street are seeking design review for compatibility of the replacement structure as well as City Council determination of compliance with the City Code in regard to the side yard setbacks of the structure. Mr. Eddy outlined the aspects in the City Code that appear ambiguous for projects that include alley accessible garages in relation to the proposed design for the 415 Kokomo Street project, and provided schematic drawings of the proposed solution by the project architect to address the requirements in the City Code. Mr. Eddy discussed the review of the Residential Development Standards in the Zoning Code and the consultation with the City Attorney which resulted in an inconclusive interpretation of the intent of the code in terms of continuity of side yard setbacks and the requirement to designate one side of the property as the "driveway side".

Mr. Eddy explained that a primary question for Council to consider deals with whether the proposed site plan that allows for a 6 foot setback on the non-driveway side and 15 foot setback on the driveway side, for a portion of the length of the property, needs to be "continuous" on either side of the property. Mr. Eddy discussed plans presented by a developer for the neighboring property on 417 Kokomo Street that requested permission to configure the required side setbacks on his property to 10 feet on one side and 11 feet on the other side, since the plan also incorporates a rear entry garage. The decision of the Neighborhood Character and Commercial Revitalization Committee was that the developer should abide by the 15 foot and 6 foot side yard setback minimums as outlined in the City Code.

Council discussion took place regarding the following topics: the proposed site plan that incorporates the required side yard setbacks on either side of the house, but is not continuous on either side; the intent of Chapter 3 of the City Code as it relates to "driveway side" and "non-driveway side"; the concern with setting a precedent for future residential development projects; the need to review and amend if necessary the current City Code to address the ambiguity.

Mayor Cooper stated that there was a need to address the lack of clarity in the City Code, but recognized that Mr. DeWitt was given approval by staff previously to move forward with his design.

At this time, Mayor Cooper recognized citizens who were present to comment on the item.

Mr. David Lewis, 417 Kokomo Street, expressed his support of the proposed design and discussed similar issues involved in his attempts to receive approval for plans on the neighboring lot, which will come before City Council in a few weeks.

Ms. Elizabeth Diggs, 355 Albany Street, spoke in support of the proposed design and discussed the need to address the ambiguity in the current City Code.

Ms. Allyson Pyle, 243 Redwood Street, discussed her past experience with the intent of the Ordinance and stated her support of the plan and style of the proposed design.

Ms. Margaret Spencer, 140 Patterson Avenue, spoke to the project and questioned whether the previous home was a Sears home. In response, Councilwoman Souter stated that it was her understanding that the home was not a Sears home.

Mr. Peter DeWitt, project architect, provided clarification of the plans related to keeping the existing brick wall intact and suggested that the City publish an interpretation of the section of the Code in question as an alternative to rewriting the section. Mr. DeWitt also responded to questions from Councilwoman Souter related to easements, and the numbering system used on the schematics. He further addressed a question from Councilwoman Harwell and stated that there were no issues related to access points from the alley.

After lengthy Council discussion, Councilwoman Jill Souter made a motion that the replacement design submitted by Hernando and Holly Ortega for the construction of a residence at 415 Kokomo be approved because of the lack of clarity of Section 3-15 of the Zoning Code as to side yard setbacks for properties on which no side driveway is proposed, with a City Council determination that this approval does not set a precedent for any other properties without side driveways and may not be relied upon by any other applicant until Section 3-15 of the Zoning Code is clarified. The motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

*Item #7* Consideration of request for a special event permit to operate a farmers market on Saturdays in the parking lot of Cappy's Restaurant at 5011 Broadway.

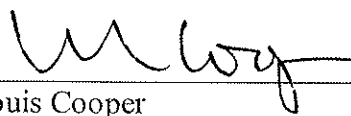
Mayor Cooper stated that this item had been pulled from consideration at the request of the applicant.

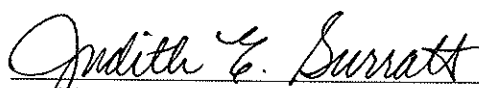
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A motion was made by Councilman Stan McCormick to adjourn the meeting. Motion was seconded by Councilman Bill Kiel and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:05 p.m.

  
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Louis Cooper  
Mayor

  
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Judith E. Surratt  
Deputy City Secretary